

#10

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the USPTO at (703) 305-0011 on the date shown below.

MAY 8 2003  
Date

Francis C. Hand  
Francis C. Hand

**Office of Petitions****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Burt Swersey, et al

Serial No: 09/800,872

Filed: March 7, 2001

TITLE: DIFFERENTIAL PERMEOMETER

Customer No.: 27162

FAX RECEIVED

MAY 08 2003

PETITIONS OFFICE

Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR RECONSIDERATION**

Sir:

This is in response to the Renewed Decision refusing status under 37 CFR 1.47(a) dated March 11, 2003.

The Renewed Decision alleges that the Declaration of Record of Inventor John P. Weed contains a non-initialed and non-dated change on the residence line. It is further alleged that non-initialed and non-dated alterations cannot be made to the oath or declaration citing 37 CFR 1.52(c).

37 CFR 1.52(c) states that any interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of any accompanying oath or declaration referring to those application papers and *should be* dated and initialed where signed by the applicant on the same sheet of paper.

First, 37 CFR 1.52(c) does not refer to alterations in a declaration but rather to the application papers. See 37 CFR 1.52(a) that separates the application from the declaration.

Second, 37 CFR 1.52 does not require that changes in a declaration be dated and initialed. Instead, the statute is suggestive in stating that the changes "should be" dated and initialed.

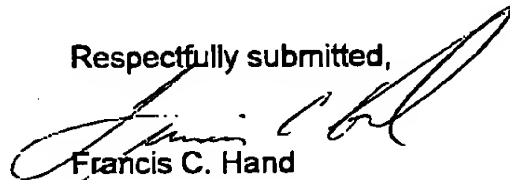
Third, 37 CFR 1.52(c) provides that alterations in the application papers may be "signed by the applicant on the same sheet of paper". Clearly, the declaration of John P. Weed contains a signature on the same page as the change in the residence line. Thus, the declaration of inventor Weed conforms with this provision of 37 CFR 1.52(c).

Clearly the change in residence was made contemporaneously with the signature of John P. Weed on the declaration.

In view of the above, it is requested that the decision of March 11, 2003 be reconsidered and that the requirement for a newly executed declaration or an initialed and dated correction be withdrawn. It is further requested that this application be passed to examination.

Note is made that a diligent search has been conducted to locate John P. Weed without success. The telephone number and the last known address of John P. Weed has been disconnected. The records at RPI where John P. Weed was a student do not have any further address or contact.

Respectfully submitted,



Francis C. Hand  
Reg. No. 22,280

CARELLA, BYRNE BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
Six Becker Farm Road  
Roseland, NJ 07068  
Phone: 973-994-1700  
Fax: 973-994-1744

140802v2